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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,434	01/06/2004	Toshiomi Moriki	NITT.0170	3925

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EXAMINER
MAUNG, ZARNI

ART UNIT	PAPER NUMBER
2151	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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	Application No.	Applicant(s)
Office Action Summary	10/751,434	MORIKI ET AL.
	Examiner	**Art Unit**	
	Zarni Maung	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 January 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/6/04</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

1.   This action is responsive to the application filed on January 6, 2004. Claims 1-22

are presented for further examination.

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholl

et al, U.S. Patent Number 6,145,001 (hereinafter Scholl).

Scholl discloses a network resource monitoring method and system with an

independent central processing unit (CPU) (see abstract). Scholl discloses the

invention as claimed. Taking claim 1 as an exemplary claim, Scholl teaches a method

for resource accounting on a computer network (fig 3. networks 1-n) which collects

resources used by a server (3) of a computer system, wherein the computer system has

an accounting server (see network management gateway 5 with MIB 14) to collect

server resources used by said server, said server and said accounting server are

connected to each other over a network (see network in fig 3), and said server includes

a CPU to initiate an OS or application software and a control unit to perform processing

independent of said CPU (see monitoring system 1, 2; col. 4 line 65 to col. 5, line 5, a

standard network management station which is independent of the system being

managed), said method comprising the steps of: registering information on a user who

uses said server (see col. 5, lines 45-65, col. 6, lines 47-54); allowing said registered

user to use a resource of the server by initiating an OS or application software; allowing

said control unit to communicate with the OS or said application software that is

operating on said CPU; allowing said control unit to acquire the information on the user

who used said server resource and resource information used including an amount of

server resource used by the user through said communication (see column 9, lines 15-

21, performance and resource management, accounting management); allowing said

control unit to transmit said acquired resource information used to said accounting

server; and allowing said accounting server to receive said resource information used

and account the information on a user basis. (see fig. 3, column 5, line 145 to col. 6. line

46, col. 7, MIB 14)

3.   As per claim 2, Scholl discloses a method for resource accounting on a computer

network according to claim 1, wherein, said step of registering information on a user

includes processing to set a global user ID to uniquely identify the user in the computer

system, designate a server to be used by the user in the computer system according to

a unique server ID and set a local user ID to uniquely identify the user in the computer

system (see web station 1 connected to server 3, user ID is inherently presented when

web station 1 with interface 2 connects to the server 3 and gateway 5 using CGI); said

step of allowing said control unit to transmit said resource information used to said

accounting server includes processing in which the local user ID associating with the

user and the server ID associating with the server are transmitted as information to

uniquely identify said user; and said step of allowing said accounting server to receive

said resource information used and account the information on a user basis includes

processing to identify said global user ID associating with the user based on said local

user ID and said server ID received, and account the amount of said server resource

used on the identified global user ID basis (see col. 5, line 59 to col. 6, line 65, web

station 1, MIB 14 col. 9, lines 10-31).

4.   As per claim 3, Scholl discloses a method for resource accounting on a computer

network according to claim 2, wherein a user ID that is managed by the OS operating

on said server is used as said local user ID (see web station 3 connected to server 3

with OS; see col., 8, lines 30-50 for different types of OS; user ID is inherently

presented when the web station 1 with interface 2 connects to the server 3 and gateway

5 using CGI).

5.   As per claim 4, Scholl discloses a method for resource accounting on a computer

network according to claim 2, wherein said OS or said application software

authenticates said user, initiates execution of a thread based on a request by the user,

acquires server resource information used by each of the thread, and transmits the

server resource information acquired to said control unit on the local user ID basis (see

web station 3 connected to server 3 with OS; see col., 8, lines 30-50 for different types

of OS; user ID is inherently presented when the web station 1 with interface 2 connects

to the server 3 and gateway 5 using CGI).

6.   As per claim 5, Scholl discloses a method for resource accounting on a computer

network according to claim 1, further comprising the step of allowing said accounting

server to request said control unit to transmit said resource information used thereto

(see col. 6, lines 47-54, connection between station 1, server 3, 5 and MIB 14).

As per claim 6, Scholl discloses a method for resource accounting on a computer

network according to claim 5, wherein the step of allowing said accounting server to

request said control unit to transmit said resource information used thereto includes

processing of adding information to designate a user from whom said resource

information used is to be acquired to a transmission request of said resource

information used and transmitting the transmission request to said network by means of

a broadcast; and the step of allowing said server to transmit said resource information

used to said accounting server includes processing in which, if said server retains the

resource information of the user from whom said resource information used is to be

acquired, only the resource information used of the user is selectively transmitted, and if

said server does not retain the resource information of the user from whom said

resource information used is to be acquired, then information showing the server does

not retain the resource information used of the user is transmitted (see figure 3, column

5, line 45 to col. 6, line 53; col. 6, lines 47-54, connection between station 1, server 3, 5

and MIB 14).

7.   As per claim 7, Scholl discloses a method for resource accounting on a computer

network according to claim 1, wherein, in the step of registering information on a user

who uses said server, a registration is made by utilizing a graphical user interface (GUI)

(see column 5, lines 46-48, the GUI in station 1).

8.   As per claim 8, Scholl discloses a system for resource accounting on a computer

network which accounts resource used by a server of a computer system, wherein the

computer system has an accounting server to collect server resources used by said

server, said server and said accounting server are connected to each other over a

network, and said server includes a CPU to initiate an OS or application software and a

control unit to perform processing independent of said CPU; wherein said server

includes means for registering a user who uses said server, and means for recording,

on a user basis, an amount of server resource used by the registered user by initiating

the OS or the application software; wherein said control unit including means making

communication with the OS or the application software operating on said CPU, and

acquiring, through the communication, resource information used that includes user

information of the user who used said server resource and an amount of server

resource used by the user, and means for transmitting said acquired resource

information used to said accounting server (5); and wherein said accounting server

including means for receiving said resource information used from said control unit

and accounting the information on a user basis (see web station 1 connected to server

3 with OS; see col., 8, lines 30-50 for different types of OS; the web station 1 with

interface 2 connected to the server 3 and gateway 5 using CGI; see col. 5, line 59 to

col. 6, line 65, web station 1, MIB 14 col. 9, lines 10-31).

9.   As per claim 9, Scholl discloses a system for resource accounting on a computer

network according to claim 8, wherein, said OS or said application software comprises:

a user authentication unit which authenticate said user; a thread execution initiation unit

which initiates execution of a thread based on a request by the user; acquiring means

for acquiring server resource information used by each of the thread; and transmission

means for transmitting the acquired server resource information to said control unit (see

web station 1 connected to server 3 with OS; see col., 8, lines 30-50 for different types

of OS; the web station 1 with interface 2 connected to the server 3 and gateway 5 using

CGI; see col. 5, line 59 to col. 6, line 65, web station 1, information in MIB 14 col. 9,

lines 10-31).

10.   As per claim 10, Scholl discloses a system for resource accounting on a

computer network according to claim 8, wherein, when registering information on a user

who uses said server, said accounting server executes the registration via said network

(see web station 1 connected to server 3 with OS; see col., 8, lines 30-50 for different

types of OS; the web station 1 with interface 2 connected to the server 3 and gateway 5

using CGI; see col. 5, line 59 to col. 6, line 65, web station 1, information in MIB 14 col.

9, lines 10-31).

11.   As per claims 11-22, they do not teach or further define over the limitations

recited in claims 1-10 above. Therefore, claims 11-22 are also rejected for the similar

reasons set forth in claim 1-10, *supra*.

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

a) Federated multiprotocol communication by Dowling U.S. Patent Number

7,035,932.

b)Managing user information on an E-commerce system by Underwood, U.S.

Patent Number 7,100,195.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Zarni Maung whose telephone number is (571) 272-

3939. The Examiner can normally be reached on Monday-Friday from 6:30 to 3:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's

Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of

a general nature or relating to the status of this application or proceeding should be

directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system, status information for published

application may be obtained from either Private or Public PAIR, for unpublished

application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business

Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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22314

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ZARNI MAUNG
PRIMARY EXAMINER